

CLASS DIARY OF THE 8th IFLOS SUMMER ACADEMY

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The 8th IFLOS Summer Academy at the seat of the International Tribunal for the Law of the Sea saw 41 participants from 33 countries gather in Hamburg for four weeks of learning and fun.

With a focus on “uses and protection of the sea with legal, economic and natural science perspectives”, the Academy provided a range of lectures and workshops to help us increase our understanding of these issues. The Academy also has a strong focus on developing good networks and friendships. In this course diary, we propose to:

- Profile some of the lectures and workshops;
- Outline how the Academy caters to the range of its students needs by looking at how academics, private sector lawyers and government representatives found the course; and
- Give a snapshot of some of the networking and social events that we particularly enjoyed.

However, before we do that we would like to acknowledge the warm welcome we were extended on our arrival to Villa Schröder. We were entertained by the welcome and introductions that Jo König put together for us before being more formally welcomed by the ITLOS President Shunji Yanai and IFLOS Chairperson Professor Doris König.



Lectures and Workshops

We settled into the routine of study very quickly with lectures starting at 9.15 the next day.

The first week covered general law of the sea issues and introduced different aspects of the United Nations Convention for the Law of the Sea (UNCLOS) with case studies so that we could see how it has been applied and interpreted in reality.

The second week had a focus on ocean law and climate change along with new uses of the sea and looked at how UNLCOS provides for environmental protection of our oceans.

The third and fourth weeks covered several topics on maritime law and the maritime industry. And of course the grand finale for many was the Moot Court held during the final week. Four teams competed in the Moot Court Tournament held in the main Court Room of the Tribunal. The bench consisted of Professor Doris König, Professor Jasper Finke, Professor Nele Matz-Lück, and Attorney at Law Christoph Hasche. However, the Moot is best discovered in person so we will just profile a few of the key areas we particularly enjoyed in class.

Delimitation

One of the highlights of the first week was the delimitation workshop. One evening and another full day were reserved to find out how difficult it could be to read maps, to draw baselines, to think about low tide elevations and islands, and to discuss issues concerning maritime zones. Tuesday evening, our lecturers, Robin Cleverly and John Brown from the United Kingdom Hydrographic Office provided us with the theoretical knowledge.

The next morning, we were divided into groups. Each of us equipped with pencil, ruler, pair of compasses and (most importantly!) an eraser. We had all the instruments we needed to draw baselines and to figure out how to draw maritime boundaries. We learned that even when there is no legal dispute, and when the focus just is on drawing geometric symbols there is a lot of room for doubts and discussions. Although our class in general



was quite willing to ask questions during the lectures, the delimitation workshop definitely prompted significant dialogue.

After we finished the exercise to draw baselines around costs in the region of the Persian Gulf, we received information on two fictitious countries and were told to present our solution concerning their maritime boundaries in front of the rest of the group in the late afternoon. In addition we received



confidential information concerning the country we were representing. Fish stocks, oil and gas and other resources had to be taken into account as well as the political situation in our respective countries. There are many different ways to argue in favour of your country and to find rationale to modify boundaries. Not all of the arguments were shared by the class during the presentation, but one thing was abundantly

clear from the workshop: It can be challenging to draw maritime boundaries!

Environmental Issues

Week two saw us focussing in on marine environmental protection and new uses of the oceans. What really came home was how complex this area is legally, economically and politically. It was interesting to get a greater appreciation of how a solution for climate change issues (e.g. the capacity of the ocean to be a major carbon sink) leads to other environmental issues for the oceans themselves (e.g. impacts on marine life, ocean acidification and impacts on fisheries) and how important it is that the agencies discussing these issues work together for an integrated solution.

While UNCLOS itself is not an environmental convention, the environmental issues facing the oceans (such as sea level rise) create interesting legal questions under UNCLOS itself (e.g. what should happen to baselines under the UNCLOS provisions as sea levels rise, what are the implications for statehood if an island ceases to be habitable – does the state cease to be?).

Further, the environmental provisions of UNCLOS work as part of a broader international law framework to protect the environment (e.g. in conjunction with customary international law and more general principles such as the precautionary approach and the principle of international co-operation). Appreciating the new uses that the ocean is going to be put to and the fragmented nature of the current international law framework and tools, helped give us a perspective on the challenges ahead for ourselves as lawyers working in this area.

Maritime Law

Shifting focus from UNCLOS and its role in providing the framework for international ocean governance, week three introduced the class for the first time to the role of maritime commerce and trade and the various networks and institutions in place to facilitate the shipment of goods.

Employing an entirely new lexicon of terminology and an adjustment in critical thinking from “public” to “private”, the module on maritime law was a significant departure from previous lectures, though no

less interesting and most certainly just as vital (as perhaps best underscored by the monumental role played by shipping in contributing to the global economy).

Martin Stopford had the essential task of setting the stage: providing a comprehensive introduction to the industry, the evolution of sea trade, and the economics of maritime regulation. Dr. Stopford lectured with an insight and calm confidence that encouraged questions and diminished the divide between student and teacher, so much so that parts of his lecture were facilitated by student panellists who volunteered to lead the discussion.

John Hare – doing double duty over the course of two days – lectured on the business of shipping, addressing topics as diverse as salvage and wreck, ship buying and scrapping, and marine insurance. The range of topics covered notwithstanding, each one was addressed with staggering proficiency and complemented by memorable anecdotes that provided a sense of reality (or in some cases surreality – who can forget the story of the cow falling from the sky onto the trawler?) to the lecture.

Filippo Lorenzon brought levity and wit (in addition to experience and expertise) to the ostensibly daunting topic of commercial contract law. Who knew that the nuances of charter parties could be so complicated and interesting? Also lecturing over the course of two days, Professor Lorenzon further contributed to the dizzying lexicon of maritime law, introducing for the first time to most of the class chartering terms like “laycan”, “bills of lading” and “demurrage”.

Carriage of goods by sea and the suite of available international rules were covered by Henning Jensen, who managed to convey and explain an otherwise complex system of duties and liabilities related to the shipment of cargo in an easy to understand and digestible way.

Volker Lücke lectured on the arrest of ships, and in a particularly illustrative exercise, walked the class through a series of scenarios designed to determine whether - and if so how - a ship might be arrested or detained and under what circumstances. Dr. Lücke’s lecture was also representative of the type of interactive classroom engagement commonplace to the summer academy.

Måns Jacobsson concluded the third week with a comprehensive lecture on oil pollution and the myriad of related compensation and insurance issues. Attempting to squeeze more than two decades worth of knowledge and experience as past Director and CEO of the International Oil Pollution Compensation Fund into a single day is no small feat, though Dr. Jacobsson did so with such casual competence and proficiency that by the end of the lecture he left the classroom wanting more.

Perspectives of Participants

It seems that the student base of the Summer Academy changes from year to year with one of our lecturers commenting on how just a couple of years ago there were far fewer lawyers on the course with more students coming from a political focus. To our mind the course caters for the range of students and we thought we would outline what the different groups gained from the experience.

While most of the students in 2014 were legally trained, there were three broad categories of student:

- Academics (i.e. those people who were postgraduate students or working in a university setting);
- Private sector lawyers (working for firms or industry); and
- Participants who worked in a political context (either for their government or an international agency). Some of these participants did not have a legal background.

What did the academics enjoy?

While writing your PhD thesis, teaching at university or participating in a Masters program, you usually focus on one explicit topic, either the law of the sea or maritime law. Especially while writing a thesis, you become an expert in one tiny (and of course the most important) part of the law. You usually know quite a bit about the subjects related to your topic. Experts in the law of the sea usually lack knowledge in Maritime law and vice versa: The IFLOS Summer Academy is perfect to learn about the main aspects of both sides, the private and public international law.

Besides learning new things, it was a great opportunity to discuss with other academics, with practising lawyers and participants working in a political context. In contrast to the usual work in the “ivory tower of science”, the discussions always implied the practical application of a judicial opinion. On the other hand, having academic experts in the class made the discussions very lively and the group could benefit from their expertise.

The participation in the program helped not only to broaden the view but also to see the own field of expertise from a different angle and therefore to understand it better: Focusing on one aspect and seeing it from an academic point of view is one thing, but trying to understand the underlying aspects of politics and/or economy helps to improve the academic understanding.

The IFLOS Summer Academy was a great opportunity to work together with other enthusiasts instead of working on your own. This was a positive aspect the academics with a master’s degree where glad to have again and the PhD students where more than happy to explore.

How about the private sector lawyers?

It is always a challenge to get time away from the office and clients for training. Often you end up outside the training room on the phone and putting out fires rather than being in the class. However the consensus of the practising lawyers attending the Academy was that it was definitely worth it. Indeed, their employers were supportive of the opportunity, saw benefit for the development of their own business or client base and therefore created the space for it to happen.

While many of the lawyers worked in private maritime law, they saw real benefit in the first two weeks of the course that had a more public international law focus. One astute observation was that the law

of the sea is one field where private and public law aspects work together in a unique fashion. We felt that the discussions between the public policy sector and the private sector were a useful reminder of how each needs to understand the other to develop a robust legal framework for the oceans and the activities taking place there. It is important to understand the commercial drivers and reality when forming public policy.

Particular highlights included the visit to the Blohm & Voss shipyards, the ability to meet and discuss issues with people of such different backgrounds, networking with people who know and understand the field (e.g. lunchtime chats with the lecturers) and getting a very good seagull's view of how the relevant conventions and activities (including shipping) fit together.

On a more practical note, while clearing emails and doing the odd bit of work in the first two weeks is manageable, once you start preparation for the Moot Court at the start of week three, there is less time for other things. Be prepared to set expectations with your employer as the lectures in this week are also particularly interesting for the private sector lawyer.

So in the end, we would highly recommend that you take the challenge of stepping out of the office and back into the classroom for four weeks. It is nice to have the luxury of time to learn again!

Finally, what about those working in Government or in a political context?

The International Foundation for the Law of the Sea's annual Summer Academy (organized with the support of the International Tribunal for the Law of the Sea) provides interested and eligible students from around the world with the opportunity to learn from expert lecturers within the walls of a prestigious facility, all located within the international maritime city of Hamburg.

The 2014 Summer Academy lived up to all expectations – including those from the perspective of someone working within government. This year's theme – "*Uses and Protection of the Sea – Legal, Economic and Natural Science Perspectives*" – was a comprehensive tour-de-force of international marine and maritime affairs, exposing students to topics as diverse as maritime delimitation, fisheries management, piracy and ship building.

The workload is intense, the lectures demanding, and the final project – a team-based moot court with written and oral submissions – a challenging (if not occasionally overwhelming) experience. The IFLOS Summer Academy is indeed hard work and it requires dedication, active engagement and participation, sharing of personal experiences and open collaboration. Given the breadth of the subject matter and the duration within which it is covered students are exposed to an intimidating amount of information. And while much of it will be familiar, there will almost undoubtedly be at least a lecture or two (or three or four) on a subject unfamiliar to each and every student in the room.

But by the end of it all – after the long days and late nights, after the rigorous and challenging debates over rocks and islands, angle bi-sector and equidistant theory, or bills of lading and charter parties – there is a profound sense of accomplishment. A feeling of knowing the hard work has paid off, making

those study sessions at Haus Rissen feel like a distant memory (not to mention a sobering reminder of just how quickly four weeks can fly by).

Of course, any accomplishment is savoured that much more when shared with others, and there are few settings where the opportunity exists for individuals with such wide-ranging backgrounds can gather (and *learn*) together under one roof to discuss ocean governance and the peaceful settlement of disputes.

The diversity of the 2014 Summer Academy class is immediately apparent: forty one students representing thirty-three different countries; a near equal mix of students, civil servants, practicing lawyers and academics; backgrounds in both international law of the sea and private maritime law; specific experts in the fields of shipping, fisheries, maritime boundary disputes and marine natural resources management. It was the very essence of this interdisciplinary environment that charged discussions, where theory and lecture were complemented by real life examples and experiences. Indeed, at the start of the Summer Academy students could be roughly grouped into one of two categories: public and private, or those with a primary interest in the United Nations Convention on the Law of the Sea and those with an interest in maritime law. By the final week of class the gap between this divide was markedly smaller if not completely non-existent – a testament to both the comprehensiveness of the curriculum and the proficiency of the lecturers. Just as important a change over this time period, however, beyond any academic insight or cultivation of knowledge, was also the transition of such an eclectic group of individuals from stranger to classmate to friend.

Social Snapshots

Following the initial reception at the Villa Schröder where we were so generously introduced to Hamburg, there were many other social and networking opportunities ranging from excursions to BBQs to more formal occasions (for example, Bucerius Law School invited the Summer Academy participants to their place for a barbeque party, while INCE & Co. International Law Firm hosted an evening at a typical Hamburg sailor's pub). We thought we would capture just a few of these moments for the diary.

Boat Tour With The Hamburg Port Authority.

The Port of Hamburg (Hamburger Hafen) is on the river Elbe. The harbour is located 110 kilometres from the mouth of the Elbe into the North Sea. It is an impressive sight.

Named Germany's "Gateway to the World" it is the largest port in Germany. In terms of throughput, the port of Hamburg is the third-busiest port in Europe (after the ports of Rotterdam and Antwerp) and 15th-largest worldwide. In 2013 139 million TEUs (20-foot standard container equivalents) were handled in Hamburg.



We were lucky to get a sunny afternoon for our introduction to the port in the historic Warehouse District of Hamburg before taking a look at it first hand from the

waters of the Elbe.

From the water, the city comes alive as a working port area. In the photo you can see the new concert house (*Elb-Philharmonie*) being constructed which will be a fine feature of the waterfront when it is finished.

Medieval City of Lübeck, and The Beach of Timmendorfer Strand

One of the most famous Hanseatic cities in Germany is Lübeck, a medieval town near the Baltic sea. Having had wonderful weather during the first two weeks of the Summer Academy, during our Baltic experience we enjoyed all kinds of weather except snow and ice! During the city tour we needed our umbrellas once in a while but luckily it wasn't raining too much. We were able to take a photo in front of the *Holstentor* (build in 1478) without having to fear for the camera.



After some heavy rain during the lunch break and after some of us had some marzipan (Lübeck is famous for its marzipan production), we took the bus to Timmendorfer Strand.

The whole morning we were wondering whether or not we would really go to the beach. Arriving there, the sun was shining and we could go for a swim. However, after a few strokes we were surrounded by jellyfish. It took a while and some cautious testing to find out that they were harmless. Being sure about that, the warm water was perfect to enjoy. Exhausted from a beach-soccer game and the sun bathing, we drove back to Hamburg.

Berlin

Not all of the entire 2014 summer academy occurred within the confines of a classroom. Indeed, for every lecture on the Hague/Visby Rules or marine environmental protection was an equally educational or memorable experience, be it with a new friend over coffee, at a group barbeque, or as part of an excursion outside of Hamburg. Berlin, Germany's largest and capital city was the location of the last of several day trips organized by IFLOS and one could argue was an easy contender for non-lecture highlight of the summer academy.

Arriving via high-speed train (a novelty unto itself for many a non-European) to unseasonably nice weather (a novelty for many a European), Berlin was every bit the kaleidoscope of history, politics and culture for which its reputation is known. Attempting to explore all of Berlin's Hauptbahnhof Central Station is a difficult enough feat never mind the *entire city*, though with assistance of a knowledgeable tour guide, equally skilled coach operator, and a dash of dose of German efficiency, the amount of ground covered in a single day was truly impressive (and undoubtedly more than that of the all the local Segue tours)!

However, for all the neo-classical glory of the Brandenburg Gate or the modern brilliance of the Reichstag Dome, Berlin also carries a near tangible sense of history and remembrance unparalleled by most major cities (European or otherwise). It's remarkable and a true testament to the power of place and when the simple act of being present – no matter how far removed from past events – can resonate so profoundly.

But memories manifest themselves in many ways, and for every monumental experience (literal and figurative) the excursion to Berlin had to offer, it was also every bit as much about the minutiae: learning where (and where not) to walk on shared pedestrian and bike lanes, appreciating the culinary delicacy that is *Currywurst*, and cheering on a classmate while she busked with a guitar on a busy street corner.

Thank You and Farewell!